

**RESPONSIVENESS SUMMARY TO COMMENTS RECEIVED
DURING PUBLIC NOTICE
FOR
DRAFT AIR QUALITY CONTROL PERMIT# 1000102
TUCSON ELECTRIC POWER - IRVINGTON GENERATING STATION**

**BEGIN PUBLIC NOTICE : JANUARY 8, 1999
END PUBLIC NOTICE : FEBRUARY 8, 1999**

The following discussions are responses to comments on draft air quality control permit #1000102, submitted by Tucson Electric Power (TEP) through their letter dated February 5, 1999. The responses cross-reference the comment document.

Response to General Comment

Where it is unclear as to which agencies should receive reports, the Compliance Section, on request, will assist TEP staff in making these determinations.

Response to Attachment A : Comment 1

The suggested change has been made.

Response to Attachment A : Comment 2

- As the response of October 14, 1998 stated, ADEQ has been implementing semiannual compliance certification requirements on a consistent basis. ADEQ will continue to implement this policy.
- The permit language in Part VII.A of Attachment A has been modified as follows to specify that the compliance certifications may be submitted 45 days after the end of the certification period :

Permittee shall submit a compliance certification to the Director twice each year, which describes the compliance status of the source with respect to each permit condition. The first certification shall be submitted no later than May 15th, and shall report the compliance status of the source during the period between October 1st of the previous year, and March 31st of the current year. The second certification shall be submitted no later than November 15th, and shall report the compliance status of the source during the period between April 1st and September 30th of the current year. The certification submittal deadlines may be extended by receiving written approval from the Director [A.A.C. R18-2-309.2.a]

- Compliance certification periods have been changed to coincide with quarterly reporting periods.

Response to Attachment A : Comment 3

The suggested change has been made. The language addressing the semi-annual deviation reports required

by AAC R18-2-306(A)(5)(a) has been moved from Paragraph VII.A.5 to Part XI.B.3 of Attachment “A”. If there are redundancies in reporting requirements, they will be addressed by Compliance Section policies.

Response to Attachment A : Comment 4

The authority for this requirement is provided by AAC R18-2-309(2)(c)(v).

Response to Attachment A : Comment 5

Change made as suggested

Response to Attachment A : Comment 6

ADEQ inspectors need to have access to the premises at all times. Adding the suggested language to the permit would restrict this required access. Suggested change has NOT been made.

Response to Attachment A : Comment 7

As noted in the comment, the phrase “excess emissions” as defined by in AAC R18-2-101(37) refers to exceedances measured by a compliance test. Therefore, the data provided by the monitors at TEP-Irvington are not “excess emissions” as defined in AAC R18-2-101(37). When a monitor records an emission level higher than the standard, this event would be considered to be a “deviation” and would have to be reported within two days. This requirement is provided in Part XI.B of Attachment “A”, and Paragraph III.B.6 of Attachment “B”. Please note that the phrase “....as defined by AAC R18-2-101(37)” has been added in the first line of the section under excess emissions for clarification.

Response to Attachment A : Comment 8

As it has been discussed previously, ADEQ agrees that Permittees are currently entitled to the benefits of AAC R18-2-310(A). However, ADEQ does not see the necessity to include this provision in the permit at this time. AAC R18-2-310(A) can be used by the Permittee regardless of whether it is or is not included in the permit. ADEQ has good reasons for not placing this condition in the permit. One reason is that ADEQ anticipates resistance to its inclusion in the permit from the Environmental Protection Agency (EPA). Another reason, as discussed previously, is that if the condition were included in the permit, and subsequent litigation found the “affirmative defense” provision to be invalid, the permit would have to be reopened at such time to remove AAC R18-2-310(A) from the permit. This would result in significant investment of time and effort on the part of the Permittee as well as ADEQ. This would not occur if the current ADEQ policy is followed.

Response to Attachment A : Comment 9

The existing language sufficiently clarifies the actions that are required under Section XI of Attachment “A”. Suggested change has NOT been made.

Response to Attachment A : Comment 10

If the Permittee complies with the reporting requirements of Part XI.A and/or Part XI.C, the reporting requirements of Paragraph XI.B.2 will be automatically met. For example Condition XI.A.1.a.(1) requires reports within 24 hours, and Sub-Paragraph XI.C.3.(4) requires reports within 2 days. Both of these requirements, if complied with, satisfy the requirements of Paragraph XI.B.2. Any redundancies in reporting requirements will be addressed by the Compliance Section through policies.

Response to Attachment A : Comment 11

Suggested change has been made.

Response to Attachment A : Comment 12

The authority for this condition is provided by ARS 49-426(I)(5).

Response to Attachment A : Comment 13

The language has been revised to read as follows :

“Performance tests shall be conducted at the *full load* of each unit under representative operational conditions unless other conditions are required by the applicable test method or in this permit”

ADEQ agrees that data from the RATA is of similar quality as the compliance tests, and can be used to demonstrate compliance with SIP limits. However, ADEQ is of the opinion that this can be clarified through policy issued by the ADEQ Compliance Section, and it is not necessary to include the suggested language in the permit. Therefore, the suggested language has NOT been added.

Response to Attachment A : Comment 14

Suggested change has been made.

Response to Attachment A : Comment 15

This change has not been made. ADEQ has been applying this policy consistently statewide. In the event that the Permittee anticipates difficulties in meeting the timeframe, the Permittee should contact the Compliance Section of the Air Quality Division at ADEQ on a case-by-case basis.

Response to Attachment B : Comment 1

The argument appears to focus on the meaning of the phrase “specifically identified”. The discussion implies that this phrase requires the applicable requirement(s) to explicitly identify electrical generating stations as regulated emission units. The regulations provided in the Pima County Code are clearly applicable to **all** sources within Pima County. In addition, PCC 17.16.010.A states that the requirements of the chapter are

applicable to sources under the jurisdiction of ADEQ. Each of the requirements identified as applicable in the permit are therefore applicable to Irvington Generating Station (IGS).

PCC 17.16.540 was mistakenly identified as applicable to IGS in the draft permit. This identification was based on the 1994 version of the Pima County rules. The rules have been changed since then, and PCC 17.16.540 is currently an empty, reserved rule as correctly pointed out in your comment. Therefore, Sub-Paragraph I.L.5.b has been deleted. A similar error occurred in the case of PCC 100.D. Sub-Paragraph I.L.5.c has also been deleted.

Sub-Paragraph I.G.2.a cites PCC 17.16.310.B.2 as the underlying requirement. Further research has revealed that PCC 17.16.310.B.2 has its basis in a rule in the Arizona State Implementation Plan (AZSIP). This rule in the AZSIP is different from the current Arizona rule. The PCC citation has been removed, and the accurate AZSIP citation (R9-3-516.A.2.b) has been added.

For Sub-Paragraph I.K.1.b and Paragraph I.K.3, the citations for the underlying requirements have been changed from PCC to the Pima County SIP (Rule 343, and 315.F respectively) in response to a suggestion from Pima County environmental staff.

Response to Attachment B : Comment 2

AAC R18-2-306(A)(2) is the most appropriate citation for this permit condition.

Response to Attachment B : Comment 3

Units I1, I2, I3 and I4 are subject to State Article 7 regulations. Article 7 regulations DO NOT contain exemptions for startup -shutdown situations. Therefore, it is not possible to provide the requested exemption. It should be noted that in the case of units subject to the NSPS standards, the startup- shutdown exemptions are provided in rule, and therefore can be included in the permit. In the comment, a reference is made to an EPA policy on excess emissions during startup- shutdown periods, dated Feb 15, 1983. This policy is however quoted only in part in the comment. Attachment I.B of the policy provides an explanation of the design of the Article 7 rules, and the use of enforcement discretion during periods of startup -shutdown. The parallels in language between Attachment I.B of the policy and AAC R18-2-310(A) indicate that excess emissions during startup, shutdown periods were meant to be addressed through this rule, and NOT through exemptions from Article 7 standards during such periods. This approach has been followed consistently for all the sources in the State, including other electric utilities. Therefore, it would not be possible to provide the requested exemptions.

Response to Attachment B : Comment 4

AAC R18-2-306(A)(2) is the most appropriate citation for this permit condition. Other changes have been made.

Response to Attachment B : Comments 5, 6, and 7

AAC R18-2-306(A)(2) is the most appropriate citation for these permit conditions.

Response to Attachment B : Comment 8

The 15% reporting requirement has been interpreted to establish an emission standard. ADEQ has been consistently applying this policy. Suggested change has NOT been made.

Response to Attachment B : Comment 9

A reference to AAC R18-2-72418-2-306(A)(2) has been added.

Response to Attachment B : Comment 10

AAC R18-2-306(A)(2) is the most appropriate citation for this permit condition.

Response to Attachment B : Comment 11

The regulations in Article 7 were designed to regulate air pollutant emitting industrial *equipment* which are not covered by the NSPS/NESHAP programs. AAC R18-2-702(A) states that the provisions of Article 7 apply to “existing sources”. R18-2-101(38) defines an “*existing source*” as *a source that does not have an applicable new source performance standard under Article 9*. In the Article 7 and NSPS contexts, “source” has a meaning that is unique to these programs. This meaning is different from the meaning that the term “stationary source”, (or “source”) has when it is used in the context of other air programs [e.g. AAC R18-2-101(104) which defines a “source” from the permitting perspective].

The Arizona Revised Statutes (ARS), which provide the statutory authority, for AAC Title 18, Chapter 2 contain a definition for “stationary source” that anticipates the usage of this phrase to refer to both individual emissions units, and aggregation of such units. These definitions are reproduced below :

“Stationary source” means any facility, building, equipment, device or machine that operates at a fixed location and that emits or generates air contaminants [see ARS 49-401.01(31)].

“Building”, “structure”, “facility”, or “installation” means all of the pollutant emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group which has the same two digit code, as described in the standard industrial classification manual, 1972, as amended by the 1977 supplement [see ARS 49-401-.01(6)].

The statutory definition thus includes aggregations of units (by defining the words “building”, and “facility”

as aggregations), and individual units (by using the words “equipment”, “device”, and “machine”).

The preceding paragraphs indicate that the AAC contains different definitions for “stationary source”, and “source”. The meaning of this phrase/word is not fixed throughout the AAC, and the final meaning of the phrase/word depends on the context in which it is used. These nuances of meaning are present in the definitions provided by the Clean Air Act and the resulting Federal programs. The usage of “stationary source”/“source” is different and unique in all of the following programs (i) NSR, (ii) NSPS, (iii) MACT/NESHAP, and (iv) Title V.

In outlining the permitting obligations of IGS, AAC R18-2-101(104) is the applicable definition. In deriving the applicable emission standards, AAC R18-2-101(38), in conjunction with the NSPS definition for “source”, is the applicable definition.

The cooling tower and flyash silo are emission units distinct from the boilers and other on-site equipment. The effluent from the flyash silo and cooling towers are clearly independent air polluting activities. Since there are no specific Article 9, Article 7, or Article 11 standards for these units, the requirements of R18-2-730(A) are satisfied, and the standards in R18-2-730 are applicable to the flyash silo and cooling towers at IGS.

Response to Attachment B : Comments 12, 13

AAC R18-2-306(A)(2) is the most appropriate citation for these permit conditions.

Response to Attachment B : Comment 14

See response to Attachment B : Comment 1

Response to Attachment B : Comment 15

See response to Attachment B : Comment 11

Response to Attachment B : Comment 16

See response to Attachment B : Comment 11

Response to Attachment B : Comment 17

Suggested change has been made.

Response to Attachment B : Comment 18

Suggested change has been made.

Response to Attachment B : Comment 19

See response to Attachment B : Comment 1

Response to Attachment B : Comment 20

Suggested change has been made.

Response to Attachment B : Comment 21

The first sentence of Sub-Paragraph I.K.2.h corresponds to the first two sentences of AAC R18-2-804(B).

Response to Attachment B : Comment 22, 23, and 24

See response to Attachment B : Comment 1

Response to Attachment B : Comment 25

The 15% reporting requirement has been interpreted to establish an emission standard. ADEQ has been consistently applying this policy. Suggested change has NOT been made. The hot water and space heaters at IGS are industrial installations and are therefore subject to the requirements of AAC R18-2-724.

Response to Attachment B : Comment 26

AAC R18-2-306(A)(2) is the most appropriate citation for this permit condition.

Response to Attachment B : Comment 27

Suggested change has been made

Response to Attachment B : Comment 28

Suggested change has been made

Response to Attachment B : Comment 29

Suggested change has been made.

Response to Attachment B : Comment 30

Suggested change has been made.

Response to Attachment B : Comment 31

Suggested change has been made.

Response to Attachment B : Comment 32

Suggested change has been made.

Response to Attachment B : Comment 33

The record retention period has been changed to five years.

Response to Attachment B : Comment 34

The basis of this condition has been changed as suggested. However, the word “deviations” has been retained. Please see response to comment # 7, Attachment A.

Response to Attachment B : Comment 35

Suggested change has been made.

Response to Attachment B : Comment 36

The language in AAC R18-2-719(I) refers to “fuels” and does not specifically identify fuel oil. Therefore, this requirement has been and is being applied to all fuels consistently. Suggested change has NOT been made.

Response to Attachment B : Comment 37

Suggested change has been made.

Response to Attachment B : Comment 38

Suggested change has been made.

Response to Attachment B : Comment 39

Suggested change has been made.

Response to Attachment B : Comment 40

Suggested change has been made.

Response to Attachment B : Comment 41

Suggested change has been made.

Response to Attachment B : Comment 42

Suggested change has been made.

Response to Attachment B : Comment 43

AAC R18-2-306(A)(2) is the most appropriate citation for this permit condition.

Response to Attachment B : Comment 44

Suggested change has been made.

Response to Attachment B : Comment 45

As stated in the response to Attachment B : Comment 25, AAC R18-2-724 is applicable to the hot water and space heaters at IGS, and has to be included in the permit. Changes have NOT been made.

Response to Attachment B : Comments 46 - 50

The testing section has been modified to more accurately reflect the intent of the testing requirements. For Units I1, I2, I3, IGT1, IGT2, IGT3 sulfur dioxide standards exist only when liquid fuel is used. Therefore, an annual performance test is required when liquid fuel is burned as the main fuel. The emissions of sulfur dioxide when natural gas is used in these units are much lower than 100 tpy. Therefore, no testing is required when natural gas is used. These units do not have standards for nitrogen oxides or carbon monoxide. All of the units have similar emission rates when burning liquid fuel and natural gas. Testing schedules were derived based on the 100 tpy limit. Units I1 and I2 have CEMs for NO_x. Therefore, additional performance tests are not required. Unit I3 will have to perform a test if the “peaking unit” classification is lost. For testing requirements for units with emission standards, AAC R18-2-306(A)(3) has been identified as the basis. For those testing requirements for which there are no applicable requirements, ARS 49-422 has been identified as the basis.

Attachment C : Applicable Requirements

- The role of Attachment “C” is to identify applicable requirements, and also to define the permit shield for IGS. It should be noted that all of the Article 3 regulations are administrative processes and requirements that are available and applicable to IGS irrespective of whether they are included in the permit or not. It is for this reason that AAC R18-2-310(C) and AAC R18-2-326 have not been identified in Attachment C.
- See response to attachment B : Comment 11
- As discussed in the response to Attachment B : Comment 1, the Pima County Code requirements are

applicable to IGS, and have thus been identified as such in Attachment “C”. By complying with the conditions of the permit, the Permittee is deemed to be in compliance with the identified requirements. The penultimate sentence of the comment states that the Pima County Code is not enforceable by EPA. The relation between the Pima County Code and the approved SIP for Pima County is identical to the relation between the Arizona Administrative Code and the approved SIP for the State of Arizona. It is true that the approved SIPs in each case are the regulations that can be enforced by EPA. However, it has been demonstrated that the current rules are at least as stringent as the underlying SIPs. In situations where the underlying SIP requirements are more stringent, such conditions are identified in the permit. The comparison between PCC and the approved Pima County SIP is presented in Table V.3 of the Technical Review Document.

TECHNICAL REVIEW EVALUATION

Response to Comment 1

The following text has been added to clarify that the area is being redesignated :

“The procedure to redesignate this area as Attainment for this pollutant is currently underway.”

Response to Comment 2

TEP’s comment is noted. However, no changes have been made..

Response to Comment 3

The installation permit does not specifically state that the monitors have to be used only during operation of coal. The phrase “...coal or fuel oil is fired.” has been removed from the end of the second sentence of the first paragraph. Similar changes have been made for the other pollutants. The sentence “In the Title V permit” has been removed as suggested.

Response to Comment 4

The hours of operation will have to be recorded till the performance test is triggered. The suggested change has NOT been made.

Response to Comment 5

If a Method 9 observation indicates an opacity greater than 40 %, the event is an “excess emission” as per AAC 18-2-101(37). Suggested change has NOT been made.

Response to Comment 6

Suggested change has been made.

Response to Comment 7

The basis for requiring these tests is ARS 49-422. These testing requirements have been retained in the permit. Suggested change has NOT been made.

Response to Comment 8

See response to Attachment B : Comment 25. Suggested change has NOT been made.